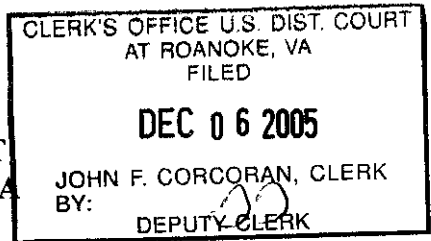


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



JOHN LOPEZ,  
Plaintiff,

v.

LEE NOBLE, et al.,  
Defendant.

)  
) Civil Action No. 7:05CV00635  
)

) MEMORANDUM OPINION  
)

) By Hon. Glen E. Conrad  
) United States District Judge  
)

The plaintiff, John Lopez, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 on October 13, 2005. Lopez alleged that the defendants had violated his constitutional right of access to courts. For the following reasons, the court concludes that the plaintiff's claim is now moot. Therefore, the court will dismiss the action pursuant to 28 U.S.C. § 1915A(b)(1).<sup>1</sup>

At the time the instant action was filed, Lopez was incarcerated at the Southwest Virginia Regional Jail. Lopez alleged that he had not had access to a law library or legal materials for five months. Lopez requested an order directing the jail to provide access to a law library. Alternatively, Lopez asked to be transferred to an institution containing a law library.<sup>2</sup>

On November 18, 2005, Lopez advised the court that he had been transferred to Dillwyn Correctional Center. Since Lopez is no longer incarcerated at the Southwest Virginia Regional Jail, and therefore he is no longer subjected to the complained of conditions of confinement, Lopez's claim is now moot. See Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991); Magee v. Waters, 810 F.2d 451, 452 (4th Cir. 1987). Thus, the court will dismiss the action pursuant to

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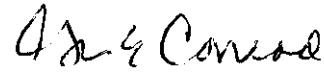
<sup>1</sup> Section 1915A(b)(1) provides that the court shall dismiss a complaint as soon as practicable if the court determines that it is frivolous, malicious, or fails state a claim upon which relief may be granted.

<sup>2</sup> Lopez did not request monetary damages.

28 U.S.C. § 1915A(b)(1).

The Clerk is directed to send certified copies of this memorandum opinion and the accompanying order to the plaintiff and counsel of record for the defendants.

ENTER: This 6<sup>th</sup> day of December, 2005.



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United States District Judge